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FILED
SAN MATEO COUNTY

SEP - 5 2018

Clerk of the Superior Court

By _____
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RECEIVED

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN MATEO

CLERK OF THE SUPERIOR COURT
SAN MATEO COUNTY

11 PEOPLE OF THE STATE OF
12 CALIFORNIA,

13 Plaintiff,

14 v.

15 JOSHUA G. GAMOS (DOB 3/13/1976) (A)

16 CARLINA G. GAMOS, aka NORA
17 GAMOS (DOB 9/6/1951) (B)

18 NOEL G. GAMOS (DOB 9/22/1977) (C)

19 GERLEN B. GAMOS (DOB 1/3/1980), (D)

20 Defendants.

21 18 SF 0106 34

22 Case No. _____

FELONY COMPLAINT

23 Date:

Time:

Dept:

Judge:

Trial Date:

Action Filed: September __, 2018

24 THE ATTORNEY GENERAL OF THE STATE OF CALIFORNIA accuses the above-
25 named DEFENDANTS of the following criminal offenses:
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COUNT ONE

(Conspiracy to Commit Human Trafficking, Penal Code section 182(a)/236.1(a))

On or about and between December 30, 2008 and July 15, 2017, in the County of San Mateo, DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS did unlawfully commit the crime of CONSPIRACY, in violation of section 182(a)(1) of the PENAL CODE, a felony, in that said Defendants did unlawfully conspire together with each other to commit the crime of Human Trafficking, in violation of Section 236.1(a) of the PENAL CODE, a felony; and that pursuant to and for the purpose of carrying out the objectives and purposes of the aforesaid conspiracy, the said Defendants committed the following overt acts throughout the alleged time period:

Overt Act 1

Defendants JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS owned Rainbow Bright Residential Facilities and Daycares at various locations throughout San Mateo County.

Overt Act 2

Defendants JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS sought out and employed either undocumented persons or vulnerable persons within the Filipino community to employ at Rainbow Bright Residential Facilities and Daycare by placing wanted advertisements in a Filipino newspaper within San Mateo County.

Overt Act 3

Defendants JOSHUA G. GAMOS or CARLINA G. GAMOS met with the potential new employees who responded to job advertisements and routinely asked for their immigration status.

Overt Act 4

Defendants JOSHUA G. GAMOS and CARLINA G. GAMOS took passports from some newly hired employees who did not have status in the country under the guise of promising the employee assistance with their status with an immigration attorney.

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1 Overt Act 5

2 Defendants JOSHUA G. GAMOS and CARLINA G. GAMOS withheld passports from
3 employees despite repeated attempts for the return of their passports. In some instances,
4 DEFENDANT NOEL G. GAMOS only returned passports to employees upon the employees'
5 resignation or termination from employment with Rainbow Bright.

6 Overt Act 6

7 DEFENDANTS told new employees that they would be required to work as a live-in
8 caregiver at the Rainbow Bright facilities and that Rainbow Bright would provide them food and
9 a room to sleep in.

10 Overt Act 7

11 DEFENDANTS told employees they would be required to work five days per week, eight
12 hours per day, and required employees to sign an "employment contract" whereby
13 DEFENDANTS agreed to comply with all state employment laws, including state and federal
14 wage-and-hour laws.

15 Overt Act 8

16 Once employees began to work at Rainbow Bright, DEFENDANTS required many
17 employees to work twenty-four hours per day, seven days per week, and required employees to
18 sleep on the floor of the facility.

19 Overt Act 9

20 DEFENDANTS required employees to provide round-the-clock care to 5 to 6
21 developmentally delayed adults at their various Rainbow Bright facilities even if that meant the
22 employee only received a few hours of sleep per night.

23 Overt Act 10

24 DEFENDANTS angrily refused employee requests for more pay or time off.

25 Overt Act 11

26 DEFENDANTS JOSHUA G. GAMOS AND CARLINA G. GAMOS yelled at employees
27 for making minor mistakes, and called them names such as "stupid," and often reduced the little
28 amount of money they were paid as punishment.

1 Overt Act 12

2 DEFENDANTS instructed employees that they were not allowed to talk to other
3 employees while at work or outside of work. DEFENDANT JOSHUA G. GAMOS checked
4 certain employees cell phones to determine whether the employees were talking to one another.

5 Overt Act 13

6 DEFENDANTS threatened to fire employees to ensure their deportation if employees
7 violated a rule or challenged DEFENDANTS.

8 Overt Act 14

9 DEFENDANT JOSHUA G. GAMOS and CARLINA G. GAMOS told employees
10 JOSHUA G. GAMOS either used to be the "police" or that he knew the police to instill fear and
11 compliance with the employees.

12 Overt Act 15

13 DEFENDANTS employed elderly women as "domestic helpers" and required them to
14 work from early morning to late at night cleaning their personal homes and residential adult
15 facilities and day care facilities without additional pay, and required the "domestic helpers" to
16 sleep on the floor.

17 Overt Act 16

18 DEFENDANT JOSHUA G. GAMOS regularly woke his fifty-nine-year-old live-in
19 housekeeper, M.C., around 1:00 a.m. to demand that she massage his legs until he fell asleep. He
20 did not allow his housekeeper to enter his home if he was not home, therefore, she would often be
21 left outside in the cold, rain, and left hungry.

22 Overt Act 17

23 DEFENDANT CARLINA G. GAMOS brought M.C. to DEFENDANTS NOEL G.
24 GAMOS and GERLEN B. GAMOS' home at 104 Westmoor Avenue in Daly City to make her
25 clean. At this same time M.C.'s sister, C.M., worked as a housekeeper for NOEL and GERLEN.
26 DEFENDANT CARLINA G. GAMOS instructed C.M. and M.C. that they were not allowed to
27 talk to one another or be in the same room when they were together at the house.

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Overt Act 18

DEFENDANT JOSHUA G. GAMOS and CARLINA G. GAMOS instructed the employees to lie to any government official about the hours the employee worked for the family or Rainbow Bright if any licensing board or other government agency visited the facilities.

Overt Act 19

DEFENDANTS JOSHUA G. GAMOS and NOEL G. GAMOS sought out the younger female employees, typically those in their early twenties, for personal, sexual relationships with the young women. DEFENDANT NOEL G. GAMOS offered gifts to younger employees in exchange for sex acts, and also touched a female employee inappropriately.

Overt Act 20

DEFENDANT JOSHUA G. GAMOS initiated romantic and/or sexual relationships with younger female employees, to wit, A.Y. and A.M. He used force, violence, and duress to accomplish his sexual acts against younger female employees; leaving bruises on A.Y., a female employee, when she resisted him.

Overt Act 21

DEFENDANTS used sleep deprivation, physical force, and psychological tactics with the employees.

Overt Act 22

DEFENDANT JOSHUA G. GAMOS utilized the male employees as care takers for the male clients at the Rainbow Bright facilities, as construction workers, handymen, car detailers for his luxury cars, and as personal drivers for him or the facilities. DEFENDANT JOSHUA G. GAMOS demanded the males work into the middle of night detailing his cars or handling any other manual labor job he required.

COUNT TWO

(Conspiracy to Commit Grand Theft of Labor, Penal Code section 182(a)/487(a))

On or about and between December 30, 2008 and July 15, 2017, in the County of San Mateo, DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, NOEL G. GAMOS, and GERLEN B. GAMOS did unlawfully commit the crime of CONSPIRACY, in violation of

1 section 182(a)(1) of the PENAL CODE, a felony, in that said Defendants did unlawfully conspire
2 together with each other to commit the crime of Grand Theft (theft of labor), in violation of
3 Section 487(a) of the PENAL CODE, a felony; and that pursuant to and for the purpose of
4 carrying out the objectives and purposes of the aforesaid conspiracy, the said Defendants
5 committed the following overt acts throughout the alleged time period:

6 Overt Act 1

7 DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS
8 owned Rainbow Bright Residential Facilities and Daycare at various locations throughout San
9 Mateo County.

10 Overt Act 2

11 DEFENDANTS CARLINA G. GAMOS and GERLEN B. GAMOS require that live-in
12 caregivers and domestic helpers work at the childcare facilities located on the bottom floor of the
13 home of DEFENDANTS GERLEN B. GAMOS and NOEL G. GAMOS.

14 Overt Act 3

15 DEFENDANTS failed to pay employees adequate minimum wage or overtime pay for
16 working at Rainbow Bright adult care and child care facilities.

17 Overt Act 4

18 DEFENDANTS required employees to sign an "employment contract" written in English
19 that stated DEFENDANTS would comply with all state employment laws, including state and
20 federal wage-and-hour laws. DEFENDANTS orally translated terms of the contract falsely,
21 making representations to employees who had little or no understanding of the English language.

22 Overt Act 5

23 DEFENDANTS instructed employees to lie to any government official who may ask
24 about the hours DEFENDANTS require they work. to state that they work 8 hours only, and, if
25 employees did not speak English well. DEFENDANTS instructed these employees to hide from
26 government officials if they showed up on site, which employees did.

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1 Overt Act 6

2 DEFENDANTS and Rainbow Bright failed to report the correct number of employees to
3 EDD, and the hours the employees worked, which resulted in unreported employee earnings in
4 excess of \$2 million.

5 Overt Act 7

6 DEFENDANTS told prospective employees that they would live in the facility, work 5
7 days per week, and work 8 hours per day at a set monthly salary, which typically ranged from
8 \$1000 to \$1200 per month.

9 Overt Act 8

10 When employees began to work at Rainbow Bright, DEFENDANTS required them to
11 work 7 days per week, twenty-four hours per day, with a pay range of \$1000 to \$1200 per month.

12 **COUNT THREE**

13 **(Human Trafficking, Penal Code section 236.1(a))**

14 On or about and between January 1, 2014 and November 3, 2014, in the County of San
15 Mateo, DEFENDANTS JOSHUA G. GAMOS and CARLINA G. GAMOS committed the crime
16 of HUMAN TRAFFICKING, in violation of PENAL CODE section 236.1(a), a felony, in that
17 they did willfully and unlawfully deprive and/or violate the personal liberty of M.C. with the
18 intent to obtain forced labor or services.

19 **COUNT FOUR**

20 **(Grand Theft of Labor, Penal Code section 487(a))**

21 On or about and between January 1, 2014 and November 3, 2014, in the County of San
22 Mateo, DEFENDANTS JOSHUA G. GAMOS and CARLINA G. GAMOS committed the crime
23 of GRAND THEFT, in violation of PENAL CODE section 487(a), a felony, in that they did
24 knowingly and designedly, by a false and fraudulent representation and pretense, obtain labor by
25 fraud from M.C., which had a value exceeding nine hundred and fifty dollars (\$950). to wit:
26 \$72,768.

COUNT FIVE
(Human Trafficking, Penal Code section 236.1(a))

On or about and between December 30, 2008 and June 15, 2009, in the County of San Mateo, DEFENDANTS JOSHUA G. GAMOS and CARLINA G. GAMOS committed the crime of HUMAN TRAFFICKING, in violation of PENAL CODE section 236.1(a), a felony, in that they did willfully and unlawfully deprive and/or violate the personal liberty of D.M. with the intent to obtain forced labor or services.

COUNT SIX
(Grand Theft of Labor , Penal Code section 487(a))

10 On or about and between December 30, 2008 and June 15, 2009, in the County of San
11 Mateo, DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS
12 committed the crime of GRAND THEFT, in violation of PENAL CODE section 487(a), a felony,
13 in that they knowingly and designedly, by a false and fraudulent representation and pretense,
14 obtain labor by fraud from D.M., which had a value exceeding nine hundred and fifty dollars
15 (\$950), to wit: \$45,712.

COUNT SEVEN
(Human Trafficking, Penal Code section 236.1(a))

18 On or between December 30, 2008 and June 12, 2009, in the County of San Mateo,
19 DEFENDANTS JOSHUA G. GAMOS and CARLINA G. GAMOS committed the crime of
20 HUMAN TRAFFICKING, in violation of PENAL CODE section 236.1(a), a felony, in that they
21 did willfully and unlawfully deprive and/or violate the personal liberty of R.A. with the intent to
22 obtain forced labor or services.

COUNT EIGHT

25 On or about and between December 30, 2008 and June 15, 2009, in the County of San
26 Mateo, DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS
27 committed the crime of GRAND THEFT, in violation of PENAL CODE section 487(a), a felony,
28 in that they did knowingly and designedly, by a false and fraudulent representation and pretense,

1 obtain labor by fraud from R.A., which had a value exceeding nine hundred and fifty dollars
2 (\$950), to wit: \$44,396.

COUNT NINE
(Human Trafficking, Penal Code section 236.1(a))

On or about and between December 30, 2008 and June 12, 2009, in the County of San Mateo, DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS committed the crime of HUMAN TRAFFICKING, in violation of PENAL CODE section 236.1(a), a felony, in that they did willfully and unlawfully deprive and/or violate the personal liberty of A.O. with the intent to obtain forced labor or services.

COUNT TEN

12 On or about and between December 30, 2008 and June 12, 2009, in the County of San
13 Mateo, DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS
14 committed the crime of GRAND THEFT, in violation of PENAL CODE section 487(a), a
15 felony, in that they knowingly and designedly, by a false and fraudulent representation and
16 pretense, obtain labor by fraud from A.O., which had a value exceeding nine hundred and fifty
17 dollars (\$950), to wit: \$37,616.

COUNT ELEVEN
(Human Trafficking, Penal Code section 236.1(a))

On or about and between December 30, 2008 and June 12, 2009, in the County of San Mateo, DEFENDANTS JOSHUA G. GAMOS and CARLINA G. GAMOS committed the crime of HUMAN TRAFFICKING, in violation of PENAL CODE section 236.1(a), a felony, in that they did willfully and unlawfully deprive and/or violate the personal liberty of M.J.C. with the intent to obtain forced labor or services.

COUNT TWELVE
(Grand Theft of Labor, Penal Code section 487(a))

On or about and between December 30, 2008 and June 12, 2009, in the County of San Mateo, DEFENDANTS JOSHUA G. GAMOS and CARLINA G. GAMOS, committed the crime

1 of GRAND THEFT, in violation of Penal Code section 487(a), a felony, in that they knowingly
2 and designedly, by a false and fraudulent representation and pretense, obtain labor by fraud from
3 M.J.C., which had a value exceeding nine hundred and fifty dollars (\$950), to wit: \$24,678.

COUNT THIRTEEN
(Human Trafficking, Penal Code section 236.1(a))

On or about and between December 30, 2008 and August 15, 2009, in the County of San Mateo, DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS committed the crime of HUMAN TRAFFICKING, in violation of PENAL CODE section 236.1(a), a felony, in that they did willfully and unlawfully deprive and/or violate the personal liberty of O.M. with the intent to obtain forced labor or services.

COUNT FOURTEEN
(Grand Theft of Labor, Penal Code section 487(a))

On or about and between December 30, 2008 and August 15, 2009, in the County of San Mateo, DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS, committed the crime of GRAND THEFT, in violation of Penal Code section 487(a), a felony, in that they knowingly and designedly, by a false and fraudulent representation and pretense, obtain labor by fraud from O.M., which had a value exceeding nine hundred and fifty dollars (\$950), to wit \$54,569.

COUNT FIFTEEN
(Human Trafficking, Penal Code section 236.1(a))

21 On or about and between May 1, 2010 and October 12, 2014, in the County of San Mateo,
22 DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS
23 committed the crime of HUMAN TRAFFICKING, in violation of PENAL CODE section
24 236.1(a), a felony, in that they did willfully and unlawfully deprive and/or violate the personal
25 liberty of A.Y. with the intent to obtain forced labor or services.

COUNT SIXTEEN
(Grand Theft of Labor, Penal Code section 487(a))

On or about and between May 1, 2010 and October 12, 2014, in the County of San Mateo, DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS committed the crime of GRAND THEFT, in violation of PENAL CODE section 487(a), a felony, in that they knowingly and designedly, by a false and fraudulent representation and pretense, obtain labor by fraud from A.Y., which had a value exceeding nine hundred and fifty dollars (\$950), to wit \$164,180.

COUNT SEVENTEEN

On or about and between January 1, 2011 and April 16, 2013, in the County of San Mateo, DEFENDANT JOSHUA G. GAMOS committed the crime of RAPE BY FORCE OR THREAT OR DURESS, in violation of PENAL CODE section 261(a)(2), a felony, in that JOSHUA G. GAMOS did willfully and unlawfully accomplish an act of sexual intercourse with A.Y.. a person not the spouse of JOSHUA G. GAMOS, against the will of said person, and by means of force, violence, menace, and fear of immediate and unlawful bodily injury on A.Y. and another. (27 Alisal house, Pacifica).

COUNT EIGHTEEN

On or about and between January 1, 2011 and April 16, 2013, in the County of San Mateo, DEFENDANT JOSHUA G. GAMOS committed the crime of RAPE BY FORCE OR THREAT OR DURESS, in violation of PENAL CODE section 261(a)(2), a felony, in that JOSHUA G. GAMOS did willfully and unlawfully accomplish an act of sexual intercourse with A.Y., a person not the spouse of JOSHUA G. GAMOS, against the will of said person, and by means of force, violence, menace, and fear of immediate and unlawful bodily injury on A.Y. and another. (Del Prado house, Daly City on floor).

COUNT NINETEEN
(Rape, Penal Code section 261(a)(2))

On or about and between January 1, 2011 and April 16, 2013, in the County of San Mateo, DEFENDANT JOSHUA G. GAMOS committed the crime of RAPE BY FORCE OR THREAT OR DURESS, in violation of PENAL CODE section 261(a)(2), a felony, in that JOSHUA G. GAMOS did willfully and unlawfully accomplish an act of sexual intercourse with A.Y., a person not the spouse of JOSHUA G. GAMOS, against the will of said person, and by means of force, violence, menace, and fear of immediate and unlawful bodily injury on A.Y. and another. (Del Prado house, Daly city on table).

NOTICE: Conviction for any of the offenses alleged in Count Seventeen, Eighteen, or Nineteen will require DEFENDANT JOSHUA G. GAMOS to register pursuant to Penal Code section 290 et seq. Willful failure to register is a crime.

COUNT TWENTY
(Human Trafficking, Penal Code section 236.1(a))

On or about and between January 1, 2014 and December 6, 2014, in the County of San Mateo, DEFENDANTS CARLINA G. GAMOS, NOEL G. GAMOS, AND GERLEN B. GAMOS committed the crime of HUMAN TRAFFICKING, in violation of PENAL CODE section 236.1(a), a felony, in that they did willfully and unlawfully deprive and/or violate the personal liberty of C.M. with the intent to obtain forced labor or services.

COUNT TWENTY-ONE

On or about and between January 1, 2014 and December 6, 2014, in the County of San Mateo, DEFENDANTS CARLINA G. GAMOS, NOEL G. GAMOS, AND GERLEN B. GAMOS committed the crime of GRAND THEFT, in violation of PENAL CODE section 487(a), a felony, in that they knowingly and designedly, by a false and fraudulent representation and pretense, obtain labor by fraud C.M., which had a value exceeding nine hundred and fifty dollars (\$950), to wit \$95.070.

COUNT TWENTY-TWO
(Grand Theft of Labor, Penal Code section 487(a))

On or about and between June 1, 2013 and December 31, 2014, in the County of San Mateo, DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS, committed the crime of GRAND THEFT, in violation of PENAL CODE SECTION 487(a), a felony, in that they did knowingly and designedly, by a false and fraudulent representation and pretense, obtain labor by fraud from Violeta Vargas, which had a value exceeding nine hundred and fifty dollars (\$950), to wit \$140,117.

COUNT TWENTY-THREE
(Grand Theft of Labor, Penal Code section 487(a))

On or about and between June 15, 2010 and May 15, 2011, in the County of San Mateo, DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS committed the crime of GRAND THEFT in violation of PENAL CODE SECTION 487(a), a felony, in that they did knowingly and designedly, by a false and fraudulent representation and pretense, obtain labor by fraud Leslie Ibo-Valmores, which had a value exceeding nine hundred and fifty dollars (\$950), to wit, \$97,006.67.

COUNT TWENTY-FOUR
(Grand Theft of Labor, Penal Code section 487(a))

On or about and between October 15, 2009 and April 15, 2015, in the County of San Mateo, DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS committed the crime of GRAND THEFT in violation of PENAL CODE SECTION 487(a). a felony, in that they did knowingly and designedly, by a false and fraudulent representation and pretense, obtain labor by fraud from Teresita Nabua, which had a value exceeding nine hundred and fifty dollars (\$950), to wit, \$149,456.42.

COUNT TWENTY-FIVE
(Grand Theft of Labor, Penal Code section 487(a))

On or about and between August 15, 2009 and February 15, 2011, in the County of San Mateo, DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS

1 committed the crime of GRAND THEFT in violation of PENAL CODE SECTION 487(a), a
2 felony, in that they did knowingly and designedly, by a false and fraudulent representation and
3 pretense, obtain labor by fraud from Lourdes Panganiban, which had a value exceeding nine
4 hundred and fifty dollars (\$950), to wit, \$140,494.

COUNT TWENTY-SIX
(Grand Theft of Labor, Penal Code section 487(a))

7 On or about and between January 31, 2014 and October 18, 2014, in the County of San
8 Mateo, DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS
9 committed the crime of GRAND THEFT in violation of PENAL CODE SECTION 487(a), a
10 felony, in that they did knowingly and designedly, by a false and fraudulent representation and
11 pretense, obtain labor by fraud from Richard Abalos, which had a value exceeding nine hundred
12 and fifty dollars (\$950), to wit, \$94,496.53.

COUNT TWENTY-SEVEN
(Grand Theft of Labor, Penal Code section 487(a))

On or about and between June 1, 2012 and December 18, 2012, in the County of San Mateo, DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS committed the crime of GRAND THEFT in violation of PENAL CODE SECTION 487(a), a felony, in that they did knowingly and designedly, by a false and fraudulent representation and pretense, obtain labor by fraud from Albert Ydian, which had a value exceeding nine hundred and fifty dollars (\$950), to wit, \$52,256.

COUNT TWENTY-EIGHT
(Grand Theft of Labor, Penal Code section 487(a))

23 On or about and between September 1, 2012 and December 23, 2012, in the County of
24 San Mateo. DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G.
25 GAMOS committed the crime of GRAND THEFT in violation of PENAL CODE SECTION
26 487(a), a felony, in that they did knowingly and designedly, by a false and fraudulent
27 representation and pretense, obtain labor by fraud from Eva Suelo, which had a value exceeding
28 nine hundred and fifty dollars (\$950), to wit, \$18,811.90.

COUNT TWENTY-NINE

On or about and between April 1, 2012 and December 23, 2012, in the County of San Mateo, DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS committed the crime of GRAND THEFT in violation of PENAL CODE SECTION 487(a), a felony, in that they did knowingly and designedly, by a false and fraudulent representation and pretense, obtain labor by fraud from Elnora Panilag, which had a value exceeding nine hundred and fifty dollars (\$950), to wit, \$57,641.

COUNT THIRTY
(Grand Theft of Labor, Penal Code section 487(a))

On or about and between February 15, 2014 and August 15, 2014, in the County of San Mateo, DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS committed the crime of GRAND THEFT in violation of PENAL CODE SECTION 487(a), a felony, in that they did knowingly and designedly, by a false and fraudulent representation and pretense, obtain labor by fraud from Andrew Del Rosario, which had a value exceeding nine hundred and fifty dollars (\$950), to wit, \$78,737.

COUNT THIRTY-ONE
(Grand Theft of Labor, Penal Code section 487(a))

19 On or about and between July 1, 2013 and September 30, 2013, in the County of San
20 Mateo, DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS
21 committed the crime of GRAND THEFT in violation of PENAL CODE SECTION 487(a), a
22 felony, in that they did knowingly and designedly, by a false and fraudulent representation and
23 pretense, obtain labor by fraud from Florentino Sagun, which had a value exceeding nine hundred
24 and fifty dollars (\$950), to wit, \$16,284.

COUNT THIRTY-TWO

On or about and between February 1, 2010 and December 31, 2013, in the County of San Mateo, DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS

1 committed the crime of GRAND THEFT in violation of PENAL CODE SECTION 487(a), a
2 felony, in that they did knowingly and designedly, by a false and fraudulent representation and
3 pretense, obtain labor by fraud from Amiel Gatus, which had a value exceeding nine hundred and
4 fifty dollars (\$950), to wit, \$169.610.

COUNT THIRTY-THREE
(Grand Theft of Labor, Penal Code section 487(a))

7 On or about and between December 1, 2011 and April 30, 2013, in the County of San
8 Mateo, DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS
9 committed the crime of GRAND THEFT in violation of PENAL CODE SECTION 487(a), a
10 felony, in that they did knowingly and designedly, by a false and fraudulent representation and
11 pretense, obtain labor by fraud from Helen Guinooban, which had a value exceeding nine
12 hundred and fifty dollars (\$950), to wit, \$88,284.

COUNT THIRTY-FOUR
(Grand Theft of Labor, Penal Code section 487(a))

15 On or about and between January 1, 2011 and April 30, 2013, in the County of San Mateo,
16 DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS
17 committed the crime of GRAND THEFT in violation of PENAL CODE SECTION 487(a), a
18 felony, in that they did knowingly and designedly, by a false and fraudulent representation and
19 pretense, obtain labor by fraud from Redentor Mallari, which had a value exceeding nine hundred
20 and fifty dollars (\$950), to wit, \$43,311.

COUNT THIRTY-FIVE
(Grand Theft of Labor, Penal Code section 487(a))

23 On or about and between October 1, 2013 and December 31, 2013, in the County of San
24 Mateo, DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS
25 committed the crime of GRAND THEFT in violation of PENAL CODE SECTION 487(a), a
26 felony, in that they did knowingly and designedly, by a false and fraudulent representation and
27 pretense, obtain labor by fraud from Raquel Rendon, which had a value exceeding nine hundred
28 and fifty dollars (\$950), to wit, \$21,243.

COUNT THIRTY-SIX
(Grand Theft of Labor, Penal Code section 487(a))

3 On or about and between June 1, 2009 and July 31, 2011, in the County of San Mateo,
4 DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS
5 committed the crime of GRAND THEFT in violation of PENAL CODE SECTION 487(a), a
6 felony, in that they did knowingly and designedly, by a false and fraudulent representation and
7 pretense, obtain labor by fraud from Ryan Pangilinan, which had a value exceeding nine hundred
8 and fifty dollars (\$950), to wit, \$260,357.

COUNT THIRTY-SEVEN
(Grand Theft of Labor, Penal Code section 487(a))

11 On or about and between February 1, 2013 and October 8, 2013, in the County of San
12 Mateo, DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS
13 committed the crime of GRAND THEFT in violation of PENAL CODE SECTION 487(a). a
14 felony, in that they did knowingly and designedly, by a false and fraudulent representation and
15 pretense, obtain labor by fraud from Derbie Ninobla, which had a value exceeding nine hundred
16 and fifty dollars (\$950), to wit, \$ 75,779.

COUNT THIRTY-EIGHT
(Grand Theft of Labor, Penal Code section 487(a))

19 On or about and between January 1, 2009 and December 31, 2014, in the County of San
20 Mateo, DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, NOEL G. GAMOS, and
21 GERLEN B. GAMOS committed the crime of GRAND THEFT in violation of PENAL CODE
22 SECTION 487(a), a felony, in that they did knowingly and designedly, by a false and fraudulent
23 representation and pretense, obtain labor by fraud from Rainbow Bright employees employed
24 during this time period, which had a value exceeding nine hundred and fifty dollars (\$950), to wit.
25 \$3,452,422.

COUNT THIRTY-NINE
(Grand Theft of Labor, Penal Code section 487(a))

On or about and between March 16, 2015 and July 15, 2017, in the County of San Mateo, DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, NOEL G. GAMOS, and GERLEN B. GAMOS committed the crime of GRAND THEFT in violation of PENAL CODE SECTION 487(a), a felony, in that they did knowingly and designedly, by a false and fraudulent representation and pretense, obtain labor by fraud from Rainbow Bright employees employed during this time period, which had a value exceeding nine hundred and fifty dollars (\$950), to wit, \$3,019.033.

COUNT FORTY
(Workers' Compensation Fraud, Insurance Code section 11880(a))

On or about and between October 26, 2013, and October 9, 2015, in the County of San Mateo. DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS committed the crime of WORKERS' COMPENSATION FRAUD, in violation of INSURANCE CODE SECTION 11880(a), a felony, in that DEFENDANTS did knowingly make, and cause to be made, a false and fraudulent statement, orally and in writing, of a fact material to the determination of the premium, rate, and cost of a policy of workers' compensation insurance issued and administered by the State Compensation Insurance Fund, for the purpose of reducing the premium, rate, and cost of insurance.

COUNT FORTY-ONE
(Failure to Secure Workers' Compensation Insurance, Labor Code section 3700.5)

On or about and between October 9, 2015 to present, in the County of San Mateo, DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS committed the crime of FAILING TO SECURE WORKERS' COMPENSATION INSURANCE, in violation of LABOR CODE SECTION 3700.5, a misdemeanor, in that DEFENDANTS did fail to secure workers' compensation as required by the Labor Code of California and knew and should have known of their obligation to secure such compensation.

COUNT FORTY-TWO

3 On or about and between July 1, 2008 and June 30, 2009, in the County of San Mateo,
4 DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS did
5 unlawfully commit the crime of FAILURE TO FILE A RETURN by acting to evade
6 unemployment insurance tax, in violation of UNEMPLOYMENT INSURANCE CODE
7 SECTION 2117.5, a felony, in that said DEFENDANTS willfully failed to file a return and report
8 and to supply information, with the intent to evade any tax imposed by such code.

COUNT FORTY-THREE
(Unemployment Insurance Code section 2117.5)

11 On or about and between July 1, 2009 and June 30, 2010, in the County of San Mateo,
12 DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS did
13 unlawfully commit the crime of FAILURE TO FILE A RETURN by acting to evade
14 unemployment insurance tax, in violation of UNEMPLOYMENT INSURANCE CODE
15 SECTION 2117.5, a felony, in that said DEFENDANTS willfully failed to file a return and report
16 and to supply information, with the intent to evade any tax imposed by such code.

COUNT FORTY-FOUR
(Unemployment Insurance Code section 2117.5)

19 On or about and between July 1, 2010 and June 30, 2011, in the County of San Mateo,
20 DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS did
21 unlawfully commit the crime of FAILURE TO FILE A RETURN by acting to evade
22 unemployment insurance tax, in violation of UNEMPLOYMENT INSURANCE CODE
23 SECTION 2117.5, a felony, in that said DEFENDANTS willfully failed to file a return and report
24 and to supply information, with the intent to evade any tax imposed by such code.

COUNT FORTY-FIVE
(Unemployment Insurance Code section 2117.5)

27 On or about and between July 1, 2011 and June 30, 2012, in the County of San Mateo.
28 DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS did

1 unlawfully commit the crime of FAILURE TO FILE A RETURN by acting to evade
2 unemployment insurance tax, in violation of UNEMPLOYMENT INSURANCE CODE
3 SECTION 2117.5, a felony, in that said DEFENDANTS willfully failed to file a return and report
4 and to supply information, with the intent to evade any tax imposed by such code.

COUNT FORTY-SIX
(Unemployment Insurance Code section 2117.5)

7 On or about and between July 1, 2012 and June 30, 2013, in the County of San Mateo,
8 DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS did
9 unlawfully commit the crime of FAILURE TO FILE A RETURN by acting to evade
10 unemployment insurance tax, in violation of UNEMPLOYMENT INSURANCE CODE
11 SECTION 2117.5, a felony, in that said DEFENDANTS willfully failed to file a return and report
12 and to supply information, with the intent to evade any tax imposed by such code.

COUNT FORTY-SEVEN
(Unemployment Insurance Code section 2117.5)

15 On or about and between July 1, 2013 and June 30, 2014, in the County of San Mateo,
16 DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS did
17 unlawfully commit the crime of FAILURE TO FILE A RETURN by acting to evade
18 unemployment insurance tax, in violation of UNEMPLOYMENT INSURANCE CODE
19 SECTION 2117.5, a felony, in that said DEFENDANTS willfully failed to file a return and report
20 and to supply information, with the intent to evade any tax imposed by such code.

COUNT FORTY-EIGHT
(Unemployment Insurance Code section 2117.5)

23 On or about and between July 1, 2014 and June 30, 2015, in the County of San Mateo.
24 DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS did
25 unlawfully commit the crime of FAILURE TO FILE A RETURN by acting to evade
26 unemployment insurance tax, in violation of UNEMPLOYMENT INSURANCE CODE
27 SECTION 2117.5, a felony, in that said DEFENDANTS willfully failed to file a return and report
28 and to supply information, with the intent to evade any tax imposed by such code.

COUNT FORTY-NINE
(Unemployment Insurance Code section 2117.5)

3 On or about and between July 1, 2015 and June 30, 2016, in the County of San Mateo,
4 DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS did
5 unlawfully commit the crime of FAILURE TO FILE A RETURN by acting to evade
6 unemployment insurance tax, in violation of UNEMPLOYMENT INSURANCE CODE
7 SECTION 2117.5, a felony, in that said DEFENDANTS willfully failed to file a return and report
8 and to supply information, with the intent to evade any tax imposed by such code.

COUNT FIFTY
(Unemployment Insurance Code section 2117.5)

11 On or about and between July 1, 2016 and September 30, 2017, in the County of San
12 Mateo, DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS
13 did unlawfully commit the crime of FAILURE TO FILE A RETURN by acting to evade
14 unemployment insurance tax. in violation of UNEMPLOYMENT INSURANCE CODE
15 SECTION 2117.5, a felony. in that said DEFENDANTS willfully failed to file a return and report
16 and to supply information, with the intent to evade any tax imposed by such code.

COUNT FIFTY-ONE
(Unemployment Insurance Code section 2118.5)

19 On or about and between July 1, 2008 and June 30, 2009, in the County of San Mateo,
20 DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS did
21 unlawfully commit the crime of FAILURE TO COLLECT OR PAY Unemployment Insurance
22 tax. in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2118.5. a felony, in that
23 said DEFENDANTS although required by the Unemployment Insurance Code to collect. account
24 for, and pay over any tax or amount required to be withheld, did then and there willfully fail to
25 collect and truthfully account for and pay over such tax or amount.

COUNT FIFTY-TWO
(Unemployment Insurance Code section 2118.5)

On or about and between July 1, 2009 and June 30, 2010, in the County of San Mateo, DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS did unlawfully commit the crime of FAILURE TO COLLECT OR PAY Unemployment Insurance tax, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2118.5, a felony, in that said DEFENDANTS although required by the Unemployment Insurance Code to collect, account for, and pay over any tax or amount required to be withheld, did then and there willfully fail to collect and truthfully account for and pay over such tax or amount.

COUNT FIFTY-THREE
(Unemployment Insurance Code section 2118.5)

On or about and between July 1, 2010 and June 30, 2011, in the County of San Mateo, DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS did unlawfully commit the crime of FAILURE TO COLLECT OR PAY Unemployment Insurance tax, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2118.5, a felony, in that said DEFENDANTS although required by the Unemployment Insurance Code to collect, account for, and pay over any tax or amount required to be withheld, did then and there willfully fail to collect and truthfully account for and pay over such tax or amount.

COUNT FIFTY-FOUR
(Unemployment Insurance Code section 2118.5)

On or about and between July 1, 2011 and June 30, 2012, in the County of San Mateo, DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS did unlawfully commit the crime of FAILURE TO COLLECT OR PAY Unemployment Insurance tax, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2118.5, a felony, in that said DEFENDANTS although required by the Unemployment Insurance Code to collect, account for, and pay over any tax or amount required to be withheld, did then and there willfully fail to collect and truthfully account for and pay over such tax or amount.

COUNT FIFTY-FIVE
(Unemployment Insurance Code section 2118.5)

On or about and between July 1, 2012 and June 30, 2013, in the County of San Mateo, DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS did unlawfully commit the crime of FAILURE TO COLLECT OR PAY Unemployment Insurance tax, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2118.5, a felony, in that said DEFENDANTS although required by the Unemployment Insurance Code to collect, account for, and pay over any tax or amount required to be withheld, did then and there willfully fail to collect and truthfully account for and pay over such tax or amount.

COUNT FIFTY-SIX
(Unemployment Insurance Code section 2118.5)

On or about and between July 1, 2013 and June 30, 2014, in the County of San Mateo, DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS did unlawfully commit the crime of FAILURE TO COLLECT OR PAY Unemployment Insurance tax, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2118.5, a felony, in that said DEFENDANTS although required by the Unemployment Insurance Code to collect, account for, and pay over any tax or amount required to be withheld, did then and there willfully fail to collect and truthfully account for and pay over such tax or amount.

COUNT FIFTY-SEVEN
(Unemployment Insurance Code section 2118.5)

On or about and between July 1, 2014 and June 30, 2015, in the County of San Mateo, DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS did unlawfully commit the crime of FAILURE TO COLLECT OR PAY Unemployment Insurance tax, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2118.5, a felony, in that said DEFENDANTS although required by the Unemployment Insurance Code to collect, account for, and pay over any tax or amount required to be withheld, did then and there willfully fail to collect and truthfully account for and pay over such tax or amount.

COUNT FIFTY-EIGHT
(Unemployment Insurance Code section 2118.5)

On or about and between July 1, 2015 and June 30, 2016, in the County of San Mateo, DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS did unlawfully commit the crime of FAILURE TO COLLECT OR PAY Unemployment Insurance tax, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2118.5, a felony, in that said DEFENDANTS although required by the Unemployment Insurance Code to collect, account for, and pay over any tax or amount required to be withheld, did then and there willfully fail to collect and truthfully account for and pay over such tax or amount.

COUNT FIFTY-NINE
(Unemployment Insurance Code section 2118.5)

12 On or about and between July 1, 2016 and September 30, 2017, in the County of San
13 Mateo, DEFENDANTS JOSHUA G. GAMOS, CARLINA G. GAMOS, and NOEL G. GAMOS
14 did unlawfully commit the crime of FAILURE TO COLLECT OR PAY Unemployment
15 Insurance tax, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2118.5, a
16 felony, in that said DEFENDANTS although required by the Unemployment Insurance Code to
17 collect, account for, and pay over any tax or amount required to be withheld, did then and there
18 willfully fail to collect and truthfully account for and pay over such tax or amount.

SPECIAL ALLEGATION
(Excessive Takings)

21 It is further alleged as to Counts One through Sixteen and Counts Twenty through Fifty-
22 Nine that in the commission of the above offenses the said DEFENDANTS JOSHUA G.
23 GAMOS, CARLINA G. GAMOS, NOEL G. GAMOS, and GERLEN B. GAMOS with the intent
24 to do so, took funds of a value exceeding \$100,000 within the meaning of Penal Code section
25 1203.045(a)

SENTENCING ENHANCEMENT (White Collar Crime Enhancement)

It is further alleged that the crimes charged in Counts One through Sixteen and Counts Twenty through Fifty-Nine are related felonies, two or more, which a material element of which is fraud and embezzlement, that involve a pattern of related felony conduct, and the pattern of related felony conduct involves the taking of more than five hundred thousand dollars (\$500,000), within the meaning of Penal Code section 186.11(a)(2).

TOLLING OF THE STATUTE OF LIMITATIONS

10 IT IS FURTHER ALLEGED, as described in Penal Code section 803(c), that each of the
11 above violations were not discovered until October 10, 2014, at the earliest, when the United
12 States Department of Labor (DOL) confirmed allegations made by one of the Defendants'
13 employees, a named victim charged in Count 30, who complained about the lack of adequate pay
14 and poor working conditions at Rainbow Bright, as well Defendants' fraudulent
15 misrepresentations regarding terms of his employment. The DOL confirmed this victim's
16 allegations after obtaining, reviewing, and analyzing Defendants' payroll records and conducting
17 a site visit on October 10, 2014.

18 Additionally, a DOL investigator met M.C., the victim of the crimes alleged in Counts Six
19 and Seven of the Complaint, at the site visit to M.C.'s workplace, DEFENDANT JOSHUA
20 GAMOS' personal home, on October 10, 2014. After the DOL investigator talked to M.C. about
21 her working conditions and employer, the DOL realized that criminal conduct was taking place at
22 the subject location. At that point, the DOL expanded its investigation and made a referral to law
23 enforcement.

24 As the DOL expanded its investigation, investigators identified the victims of the crimes
25 alleged in Counts One through Three and Counts Five through Twenty-nine, and Counts Thirty-
26 one through Fifty-nine, none of whom had previously reported their work conditions to a
27 government agency or law enforcement agency. The victims told DOL investigators and law
28 enforcement that since they had not worked in the United States previously, they did not know

1 that Defendants' conduct was illegal. Numerous victims told law enforcement that Defendants
2 required he or she sign an employment contract upon commencing their employment with
3 Rainbow Bright. This employment contract was written in English and the portion containing the
4 employees' work schedule and hours was often left blank. Moreover, numerous victims explained
5 that they told the Defendants that they were unable to read the contract, or understand the terms
6 of the contract, since it was written in a foreign language to them, which was English, and
7 therefore the employee had to rely upon Defendants translations or representations of the
8 contracts contents. Therefore, the Defendants intentionally led the victims to believe that their
9 work conditions and rate of pay were legal under California minimum wage law, which this
10 criminal investigation has shown was not true.

11 * * * * *

12 Pursuant to Penal Code Section 1054.5, subdivision (b), the People of the State of
13 California hereby informally request that defense counsel provide to the People of the State of
14 California all discovery as required by Penal Code Section 1054.3.

15 **DECLARATION**

16 I verify under information and belief, pursuant to Penal Code section 806, that the
17 forgoing is true and correct.

18
19 Dated: September 4, 2018

Respectfully Submitted,

20
21 XAVIER BECERRA
Attorney General of California

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TIFFANY J. SUSZ
Deputy Attorney General
Attorneys for People of the State of
California